

REMARKS

This application has been carefully reviewed in light of the Official Action mailed April 6, 2007. Claims 1-4 remain pending in this case.

In the Official Action, the Examiner required election from two species under 35 USC 121: an ophthalmic drug delivery device wherein the active agent is nepafenac; an ophthalmic drug delivery device wherein the active agent is a cyclooxygenase inhibitor. In response, Applicant elects the species of an ophthalmic drug delivery device wherein the active agent is nepafenac, upon which generic claim 1 reads.

Applicant respectfully requests reconsideration of this application and favorable action on all the remaining claims in this case.

The Commissioner is hereby authorized to charge the following fee amounts required or credit any overpayment associated with the filing of this Response to

Deposit Account No. 501051 of Alcon, Inc.:

- 1) The fee amount of \$1590.00 for the Petition for Extension of Time for four (4) months, from May 6, 2007 to September 6, 2007, to respond to the Official Action, which is being filed concurrently with this Response.

The Commissioner is hereby authorized to charge any amount required for the filing of this Amendment, or credit any overpayment, to **Deposit Account No. 501051 of Alcon, Inc.**

Should the Examiner have any questions regarding this Response, please feel free to contact the undersigned attorney at the phone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. David Lee". The signature is fluid and cursive, with the first name "W." and last name "Lee" clearly distinguishable.

W. David Lee
Reg. No. 39,743

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